

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 696
97TH GENERAL ASSEMBLY

5024H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.535, 304.351, and 578.120, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 302.535, 304.351, and 578.120, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 301.474, 302.535, 304.351, and
3 578.120, to read as follows:

**301.474. 1. Any person who has been awarded the military service award known
2 as the "Korea Defense Service Medal" may apply for special motor vehicle license plates
3 for any motor vehicle such person owns, either solely or jointly, other than an apportioned
4 motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
5 pounds gross weight.**

**6 2. Any such person shall make application for the special license plates on a form
7 provided by the director of revenue and furnish such proof as a recipient of the Korea
8 Defense Service Medal as the director may require.**

**9 3. Upon presentation of such proof of eligibility, payment of a fifteen dollar fee in
10 addition to the regular registration fees, and presentation of any documents which may be
11 required by law the director of revenue shall issue to the vehicle owner a special
12 personalized license plate which shall bear the words "KOREA DEFENSE SERVICE
13 MEDAL" at the bottom of the plate in a manner prescribed by the director of
14 revenue. Such license plates shall be made with fully reflective material with a common
15 color scheme and design, shall be clearly visible at night, and shall be aesthetically
16 attractive as prescribed by section 301.130.**

17 4. Such plates shall also bear an image of the Korea Defense Service Medal.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **5. Notwithstanding the provisions of section 301.144, no additional fee shall be**
19 **charged for the personalization of license plates issued under this section.**

20 **6. There shall be no limit on the number of license plates any person qualified under**
21 **this section may obtain so long as each set of license plates issued under this section is**
22 **issued for vehicles owned solely or jointly by such person.**

23 **7. License plates issued under the provisions of this section shall not be transferable**
24 **to any other person except that any registered co-owner of the motor vehicle shall be**
25 **entitled to operate the motor vehicle with such plates for the duration of the year licensed**
26 **in the event of the death of the qualified person.**

27 **8. The director may consult with any organization which represents the interests**
28 **of persons receiving the Korea Defense Service Medal when formulating the design for the**
29 **special license plates described in this section.**

30 **9. The director shall make all necessary rules and regulations for the administration**
31 **of this section and shall design all necessary forms required by this section. Any rule or**
32 **portion of a rule, as that term is defined in section 536.010, that is created under the**
33 **authority delegated in this section shall become effective only if it complies with and is**
34 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
35 **section and chapter 536 are nonseverable, and if any of the powers vested with the general**
36 **assembly under chapter 536 to review, to delay the effective date, or to disapprove and**
37 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
38 **authority and any rule proposed or adopted after August 28, 2014, shall be invalid and**
39 **void.**

302.535. 1. Any person aggrieved by a decision of the department may file a petition
2 for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the
3 evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not
4 as an appeal of an administrative decision pursuant to chapter 536. The petition shall be filed
5 in the circuit court of the county where the arrest occurred. The case shall be decided by the
6 judge sitting without a jury. Until January 1, 2002, the presiding judge of the circuit court may
7 assign a traffic judge, pursuant to section 479.500, RSMo 1994, a circuit judge or an associate
8 circuit judge to hear such petition. After January 1, 2002, pursuant to local court rule pursuant
9 to article V, section 15 of the Missouri Constitution, the case may be assigned to a circuit judge
10 or an associate circuit judge, or to a traffic judge pursuant to section 479.500.

11 2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension
12 or revocation order **and the department shall issue a temporary driving permit which shall**
13 **be valid until a final order is issued following the date of the disposition of the petition for**
14 **a trial de novo.** [A restricted driving privilege as defined in section 302.010 shall be issued in

15 accordance with subsection 2 of section 302.525, if the person's driving record shows no prior
16 alcohol-related enforcement contact during the immediately preceding five years. Such restricted
17 driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

18 3. In addition to the restricted driving privilege as permitted in subsection 2 of this
19 section, the department may upon the filing of a petition for trial de novo issue a restricted
20 driving privilege as defined in section 302.010. In determining whether to issue such a restrictive
21 driving privilege, the department shall consider the number and the seriousness of prior
22 convictions and the entire driving record of the driver.

23 4. Such time of restricted driving privilege pending disposition of trial de novo shall be
24 counted toward any time of restricted driving privilege imposed pursuant to section 302.525.
25 Nothing in this subsection shall be construed to prevent a person from maintaining his restricted
26 driving privilege for an additional sixty days in order to meet the conditions imposed by section
27 302.540 for reinstating a person's driver's license.]

304.351. 1. The driver of a vehicle approaching an intersection shall yield the
2 right-of-way to a vehicle which has entered the intersection from a different highway, provided,
3 however, there is no form of traffic control at such intersection.

4 2. When two vehicles enter an intersection from different highways at approximately the
5 same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the
6 vehicle on the right. This subsection shall not apply to vehicles approaching each other from
7 opposite directions when the driver of one of such vehicles is attempting to or is making a left
8 turn.

9 3. The driver of a vehicle within an intersection intending to turn to the left shall yield
10 the right-of-way to any vehicle approaching from the opposite direction which is within the
11 intersection or so close thereto as to constitute an immediate hazard.

12 4. (1) The state highways and transportation commission with reference to state
13 highways and local authorities with reference to other highways under their jurisdiction may
14 designate through highways and erect stop signs or yield signs at specified entrances thereto, or
15 may designate any intersection as a stop intersection or as a yield intersection and erect stop signs
16 or yield signs at one or more entrances to such intersection.

17 (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield
18 signs as authorized in this section:

19 (a) Except when directed to proceed by a police officer or traffic-control signal, every
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,
22 or if none, then at the point nearest the intersecting roadway where the driver has a view of
23 approaching traffic in the intersecting roadway before entering the intersection. After having

24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection
25 from another highway or which is approaching so closely on the highway as to constitute an
26 immediate hazard during the time when such driver is moving across or within the intersection.

27 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow
28 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop
29 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where
30 the driver has a view of approaching traffic on the intersecting roadway. After slowing or
31 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching
32 on another highway so closely as to constitute an immediate hazard during the time such traffic
33 is moving across or within the intersection.

34 5. The driver of a vehicle about to enter or cross a highway from an alley, building or any
35 private road or driveway shall yield the right-of-way to all vehicles approaching on the highway
36 to be entered.

37 6. The driver of a vehicle intending to make a left turn into an alley, private road or
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction
39 when the making of such left turn would create a traffic hazard.

40 7. The state highways and transportation commission or local authorities with respect
41 to roads under their respective jurisdictions, on any section where construction or major
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation
45 of section 304.010.

46 8. Notwithstanding the provisions of section 304.361, violation of this section shall be
47 deemed a class C misdemeanor.

48 9. In addition to the penalty specified in subsection 8 of this section, any person who
49 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
50 have caused physical injury, there shall be assessed a penalty of up to [two hundred] **one**
51 **thousand** dollars, **but no less than five hundred dollars**. The court may issue an order of
52 suspension of such person's driving privilege for a period of thirty days.

53 10. In addition to the penalty specified in subsection 8 of this section, any person who
54 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
55 have caused serious physical injury, there shall be assessed a penalty of up to [five hundred]
56 **three thousand** dollars, **but no less than one thousand dollars**. The court may issue an order
57 of suspension of such person's driving privilege for a period of ninety days.

58 11. In addition to the penalty specified in subsection 8 of this section, any person who
59 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
60 have caused a fatality, there shall be assessed a penalty of up to [one] **ten** thousand dollars, **but**

61 **no less than five thousand dollars.** The court may issue an order of suspension of such person's
62 driving privilege for a period of **up to one year, but no less than six months. Such person shall**
63 **also be required to participate in and successfully complete a driver-improvement program**
64 **approved by the director of the department of revenue.**

65 12. As used in subsections 9 and 10 of this section, the terms "physical injury" and
66 "serious physical injury" shall have the meanings ascribed to them in section 556.061.

67 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the
68 director of the department shall impose such suspension as set forth in the court order. The order
69 of suspension shall include the name of the offender, the offender's driver's license number,
70 Social Security number, and the effective date of the suspension. Any appeal of a suspension
71 imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order
72 and subject to review by the presiding judge of the circuit court or another judge within the
73 circuit other than the judge who issued the original order to suspend the driver's license. The
74 director of revenue's entry of the court-ordered suspension on the driving record is not a decision
75 subject to review under section 302.311. Any suspension of the driver's license ordered by the
76 court under this section shall be in addition to any other suspension that may occur as a result
77 of the conviction under other provisions of law.

578.120. 1. Notwithstanding any provision in this chapter to the contrary, no dealer,
2 distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in
3 keeping open or operating any established place of business for the purpose of buying, selling,
4 bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new
5 or used, on Sunday. However, this section does not apply to the sale of manufactured housing;
6 the sale of recreational motor vehicles; **the sale of motorcycles as that term is defined in**
7 **section 301.010; the sale of motortricycles, motorized bicycles, all-terrain vehicles,**
8 **recreational off-highway vehicles, utility vehicles, personal watercraft, or other motorized**
9 **vehicles customarily sold by powersports dealers licensed under sections 301.550 to**
10 **301.560;** washing, towing, wrecking or repairing operations; the sale of petroleum products,
11 tires, and repair parts and accessories; or new vehicle shows or displays participated in by five
12 or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

13 2. No association consisting of motor vehicle dealers, distributors or manufacturers
14 licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under
15 chapter 416 or regulation promulgated thereunder solely because it encourages its members not
16 to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or
17 exchanging any motor vehicle.

18 3. Any person who violates the provisions of this section shall be guilty of a class C
19 misdemeanor.

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